

ESTTA Tracking number: **ESTTA505615**

Filing date: **11/14/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Shurfine Foods, Inc.
Granted to Date of previous extension	11/14/2012
Address	6700 SW Sandburg St. Tigard, OR 97223 UNITED STATES
Attorney information	Delfina S. Homen Marger, Johnson & McCollom, P.C. 210 SW Morrison St., Ste. 400 Portland, OR 97204 UNITED STATES delfina.homen@techlaw.com, lisa.riley@techlaw.com, docketing@techlaw.com Phone:503-222-3613

### Applicant Information

Application No	85533295	Publication date	07/17/2012
Opposition Filing Date	11/14/2012	Opposition Period Ends	11/14/2012
Applicant	d-Mand Better Products, LLC al@d-mandbetterproducts.com 6230 Shiloh Rd, Suite 200 Alpharetta, GA 30005 UNITED STATES		

### Goods/Services Affected by Opposition


Class 001. First Use: 1978/06/01 First Use In Commerce: 1978/06/01  
All goods and services in the class are opposed, namely: Chemical preparations to prevent mildew


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3561021	Application Date	06/27/2008
Registration Date	01/13/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 002. First use: First Use: 2004/09/00 First Use In Commerce: 2004/09/00 food colors for domestic use

U.S. Registration No.	3557469	Application Date	06/27/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 batteries		

U.S. Registration No.	3557361	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 1990/01/01 First Use In Commerce: 1990/01/01 Matches; cigar and cigarette lighters not for land vehicles


U.S. Registration No.	3557360	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2002/03/01 First Use In Commerce: 2002/03/01 Bottled water; distilled drinking water; seltzer water; sparkling water; soda water; flavored waters; vegetable juices; apple-juice beverages; orange-juice beverages; fruit juice; fruit drinks; fruit juice concentrates; sports drinks; soda pops; soft drinks; and concentrates, syrups or powders used in the preparation of drinks		

U.S. Registration No.	3557359	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	SHURFINE
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 1990/01/01 First Use In Commerce: 1990/01/01 dog food; puppy food; cat food; dog biscuits; cat litter; bird seed; and pet treats

U.S. Registration No.	3557358	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark	SHURFINE		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 Pasta and noodles; dried pasta; macaroni and cheese; breakfast cereals; ready to eat, cereal derived food bars; hot cereal; ready to eat cereals; bread and pastry; muffins; biscuits; cookie dough; taco shells; dessert puddings; instant puddings; flavored and sweetened gelatins; coffee; decaffeinated coffee; instant coffee; tea; tea bags; instant tea; iced tea mix; cake mixes; brownie mixes; instant pancake mixes; muffin mixes; stuffing mixes containing bread; flour for food; wheat flour; corn flour; sugar; brown sugar; powdered sugar; sugar substitutes; processed coconut; frosting mixes; corn meal; croutons; pie crusts; confectionery chips for baking; chocolate chips; baking soda; yeast; yeast powder; bread crumbs; popcorn; candy coated popcorn; microwave popcorn; tortilla chips; corn chips; pretzels; cheese curls and puffs; snack mix consisting primarily of crackers, pretzels, candied nuts and/or popped popcorn; pastries; toaster pastries; granola-based snack bars; frozen meals consisting primarily of pasta; frozen pizza; frozen appetizers consisting primarily of bread, sauce, and cheese; frozen desserts consisting of fruit and cream or cream substitutes; gravies; meat gravies; relish; pimiento used as a condiment; unpopped popcorn; rice; rice and seasoning mix combined in unitary packages; frozen bakery goods; ketchup; mustard; vinegar; barbecue sauces; chili sauce; soy sauce; steak sauce; teriyaki sauce; Worcestershire sauce; hot sauce; salsa; picante		

	sauce; marinades; pizza sauce; spaghetti sauce; pancake syrup; maple syrup; corn syrup; cocoa mixes; cocoa powder; topping syrup; chocolate syrup; honey; waffles; salt; table salt; pepper; extracts used as flavoring; spices; baking spices; dry spice rub for meats and fish; spice blends; spice rubs; gravy; gravy mixes; taco seasoning; sauce mixes; dry seasoning mixes for gravy, spaghetti, stews, meatloaf and sloppy Joes; seasoned coating for meat, fish, and poultry; tortillas; mayonnaise; salad dressing; beverages made of tea; candy; cookies; crackers; ice cream; cones for ice cream; and frozen confections, namely, freezer pops; chocolate topping
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U.S. Registration No.	3557357	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 2005/06/01 First Use In Commerce: 2005/06/01</p> <p>Pre-packaged dinners consisting of primarily of meat, poultry and fish with pasta; cheese; cream cheese; processed cheese; cheese spreads; cheese substitutes; mold-ripened cheese; soft cheese; white cheese; low-fat cheese; non-fat cheese; string cheese; yogurt; butter; butter substitutes; margarine; vegetable-based spreads; Maraschino cherries; processed cherries; fruit-based pie filling; frozen fish; vegetable oils and fats; canned fish; canned oysters; chili with and without beans; beef stew; canned cooked meat; canned pork and beans; canned refried beans; canned beans; jerky; frozen meals consisting primarily of meat, poultry and/or vegetables; applesauce; canned fruits and vegetables; sauerkraut; dried fruits; canned fruits; frozen fruits; fruit-based snack foods; snack mix consisting primarily of processed fruits, processed nuts and/or raisins; instant potatoes; frozen potatoes; shortening; edible oils; edible fats; processed oils and fats; vegetable oils; non-dairy creamer; broth; bouillon; bouillon concentrates; vegetable protein bits having a bacon flavor; soups; canned soups; soup mixes; pickled fruits; pickled vegetables; processed olives; pickles; processed peppers; dried beans; frozen chicken; ham; bacon; luncheon meats; frankfurters; hot dogs; sausages; dried meat; canned tomatoes; vegetable juice for cooking; sour cream; sour cream substitutes; cottage cheese; half and half; whipping cream; peanut butter; fruit preserves; jellies; jams; marmalade; fruit-based spreads; whipped cream; whipped topping; milk; evaporated milk; powdered milk; dip; frozen vegetables; and dairy-based dips; processed nuts; raisins; potato chips; fruit-based snack food; frozen meals consisting primarily of potatoes</p>		

U.S. Registration No.	3557355	Application Date	05/28/2008
Registration Date	01/06/2009	Foreign Priority	NONE

		Date	
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2002/09/01 First Use In Commerce: 2002/09/01 plastic storage containers for household or domestic use; scouring sponges; sponges for household purposes; bath sponges; cleaning pads; disposable gloves for home use; household gloves for general use; salt and pepper shakers; cups; paper plates; plastic plates; paper bowls; plastic bowls; foam drink holders; toothpicks; plastic cups; foam bowls; mops; brooms; and paper baking cups		


U.S. Registration No.	3546829	Application Date	05/27/2008
Registration Date	12/16/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/09/01 First Use In Commerce: 1993/09/01 baby wipes; ammonia for cleaning purposes; all purpose cleaners; laundry bleach; glass cleaners; furniture polish; antibacterial soap; deodorant soap; cleaning, polishing and scouring preparations; dish detergents; laundry detergents; fabric softeners; oven cleaner; and window cleaning preparations		


U.S. Registration No.	3543605	Application Date	05/27/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	SHURFINE
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2003/10/01 First Use In Commerce: 2003/10/01 waxed paper; toilet tissue; facial tissue; paper towels; paper napkins; plastic wrap; plastic or paper bags for household use; plastic garbage bags; plastic sandwich bags; paper filters for coffee makers; lunch bags; disposable diapers; disposable training pants; plastic wrap; plastic oven cooking bags; adhesive note pads

U.S. Registration No.	3543604	Application Date	05/27/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark	SHURFINE		
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1990/01/01 First Use In Commerce: 1990/01/01 plastic tableware		

U.S. Registration No.	3543603	Application Date	05/27/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 1990/01/01 First Use In Commerce: 1990/01/01 Aluminum foil

U.S. Registration No.	3543602	Application Date	05/27/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1998/03/01 First Use In Commerce: 1998/03/01 all purpose disinfectants; disinfectant bathroom cleaners; disinfectant toilet bowl cleaners; and carpet deodorizers		

U.S. Registration No.	3543601	Application Date	05/27/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		



Design Mark	SHURFINE
Description of Mark	NONE
Goods/Services	Class 004. First use: First Use: 1992/01/01 First Use In Commerce: 1992/01/01 motor oil; charcoal briquettes; combustible briquettes; lighter fluid for charcoal; fireplace logs

U.S. Registration No.	3543600	Application Date	05/27/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark	SHURFINE		
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1998/02/01 First Use In Commerce: 1998/02/01 artificial sweeteners; salt for water softening		

U.S. Registration No.	2710943	Application Date	02/15/2002
Registration Date	04/29/2003	Foreign Priority Date	NONE
Word Mark	SHURFINE		


Design Mark	<b>SHURFINE</b>
Description of Mark	NONE
Goods/Services	<p>Class 029. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31  Canned vegetables, [ canned vegetables for babies, ] canned fish, canned shellfish, canned chili con carne, peanut butter, evaporated milk, canned shoestring potatoes, pork and beans, [ tomato puree, ] canned pimientos, canned mushrooms, processed and canned olives, pickles, olive oil, sandwich spread, namely, meat-based and vegetable spreads [ , and canned cocoanut ]</p> <p>Class 030. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31  Table syrups, honey, prepared spaghetti, tomato sauce, spaghetti sauce, prepared mustard, vinegar, tomato catsup, chili sauce, French dressing, salad dressing, mayonnaise, chili powder, spices, salt, coffee, tea, cornstarch, [ brown bread, ] macaroni, noodles, vermicelli, spaghetti, baking chocolate, baking powder, breakfast cereals, cake flour, pancake flour and biscuit flour</p> <p>Class 032. First use: First Use: 1932/12/31 First Use In Commerce: 1932/12/31  Canned vegetable juices</p>

U.S. Registration No.	2506497	Application Date	11/22/2000
Registration Date	11/13/2001	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark	<b>SHUR FINE</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 1995/11/00 First Use In Commerce: 1995/11/00  Restaurants; food services, namely, home meal replacement services consisting of the preparation and service of carryout, home-style meals</p>		

U.S. Registration No.	2425809	Application Date	05/13/1999
Registration Date	01/30/2001	Foreign Priority Date	NONE

Word Mark	SHURFINE
Design Mark	<b>SHURFINE</b>
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 1999/07/27 First Use In Commerce: 1999/07/27 fresh meat, namely beef

U.S. Registration No.	2285574	Application Date	11/18/1998
Registration Date	10/12/1999	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1998/03/01 First Use In Commerce: 1998/03/01 Fresh fruits and vegetables		

U.S. Registration No.	2170823	Application Date	11/06/1996
Registration Date	07/07/1998	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1986/05/21 First Use In Commerce: 1986/05/21		

	<p>[ automotive maintenance products, namely, antifreeze, windshield washer solvent, power steering fluid, brake fluid ] ; rock salt for deicing and ice cream making, water softener salt [ , unexposed photographic film ]</p> <p>Class 003. First use: First Use: 1989/04/30 First Use In Commerce: 1989/04/30 household cleaning preparations, namely, [ abrasive household cleanser, ] all-purpose household cleaners, [ floor wax, ] furniture polish, toilet bowl cleaners, [ carpet cleaner, ] bathroom cleaner, fabric softener sheets, dish washing detergent, laundry detergent, stain removers, drain openers; [ hair care preparations, namely, hair gel, hair spray, hair waving preparations; baby care products, namely, baby lotion, baby bath, ] baby towelettes; [ personal hygiene products, namely, cotton swabs, cotton balls and cotton sticks for cosmetic purposes, hydrogen peroxide for use on hair, denture cleaning preparations, bubble bath, ] bar soap [ , personal deodorants, antiperspirants , skin cream; sunscreen preparations, non-medicated lip balm, automobile cleaning preparations ]</p> <p>Class 004. First use: First Use: 1994/09/30 First Use In Commerce: 1994/09/30 [ fireplace logs, motor oil, carnauba wax ]</p> <p>Class 005. First use: First Use: 1995/09/26 First Use In Commerce: 1995/09/26 [over-the-counter medications, namely, appetite suppressants, travel sickness tablets, sleeping pills/tablets, laxatives, calamine lotion, acne medications, antibiotic ointment, antibiotic cream, menthol chest rub, hydrocortisone cream, topical gel for medical and therapeutic use, topical ointments and topical creams for antibiotic, anti-inflammatory, antiseptic and anesthetic use, antacids, decongestants, antihistamines, cough drops, cold medications, influenza medications, allergy medications, throat spray, cough syrup, throat lozenges, nasal spray, oral analgesics, diarrhea medications, hemorrhoidal medications, diaper rash ointment; feminine hygiene products, namely, douches, sanitary napkins, sanitary pads, tampons, panty liners, panty shields; first aid products, namely, adhesive bandages, medical adhesive tape, gauze, cotton balls, cotton swabs and cotton sticks for medical purposes; pharmaceutical preparations, namely, alcohol for topical use, hydrogen peroxide for medical use, epsom salts, witch hazel, boric acid for antiseptic use; eye care products, namely, eye drops, contact lens cleaning solutions, contact lens saline solutions; foot care products, namely, corn pads, callous pads; bunion pads; ] household disinfectants, carpet deodorizers, air fresheners, [ domestic pesticides], incontinence garments, incontinence pads [ , medicated sunburn preparations, medicated lip balm , nutritional supplements, mineral supplements, mineral oil for medical and therapeutic use ]</p> <p>Class 008. First use: First Use: 1984/12/31 First Use In Commerce: 1984/12/31 [ cosmetic implements, namely, tweezers, manicure sets, nail clippers, scissors, eyelash curlers, nail files; shaving implements, namely, razor blades, razors ]</p> <p>Class 009. First use: First Use: 1992/04/30 First Use In Commerce: 1992/04/30 batteries, single use cameras, [ blank video tapes ]</p> <p>Class 010. First use: First Use: 1994/05/04 First Use In Commerce: 1994/05/04 [thermometers for medical use ]</p> <p>Class 011. First use: First Use: 1990/07/31 First Use In Commerce: 1990/07/31 [ light bulbs ]</p> <p>Class 016. First use: First Use: 1985/05/31 First Use In Commerce: 1985/05/31 [ adhesive tapes for stationary or household use, glue for stationary or household use ], paper filters for coffee makers, paper baking cups, disposable diapers, plastic food storage bags for household use [ , litter box liners in the form of plastic bags ]</p> <p>Class 017. First use: First Use: 1993/02/28 First Use In Commerce: 1993/02/28 strapping tape</p> <p>Class 018. First use: First Use: 1991/06/01 First Use In Commerce: 1991/06/01</p>
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	<p>[ rawhide chews for dogs, tote bags ]</p> <p>Class 020. First use: First Use: 1992/01/31 First Use In Commerce: 1992/01/31</p> <p>[ drinking straws ]</p> <p>Class 021. First use: First Use: 1990/04/30 First Use In Commerce: 1990/04/30</p> <p>[ cleaning implements, namely, steel wool soap pads, scouring sponges and pads, mops, mop refills, brooms, dust pans; hair care implements, namely, hair brushes, hair combs; household gloves, household rubber gloves, plastic flatware, plastic plates, plastic bowls and cups, paper plates, paper bowls and cups, disposable aluminum cookware , loofah sponges, makeup sponges, eyelash brushes, dental floss ]</p> <p>Class 025. First use: First Use: 1992/04/10 First Use In Commerce: 1992/04/10</p> <p>[ driving gloves, head bands, shower caps, insoles ]</p> <p>Class 026. First use: First Use: 1992/05/01 First Use In Commerce: 1992/05/01</p> <p>[ hair implements, namely, non-electric hair curlers, barrettes, hair pins, hair ornaments, hair nets, hair bands, hair clips, hair picks ]</p> <p>Class 028. First use: First Use: 1992/02/29 First Use In Commerce: 1992/02/29</p> <p>[ cat toys, dog toys, athletic tape ]</p> <p>Class 029. First use: First Use: 1987/05/05 First Use In Commerce: 1987/05/05</p> <p>canned seafood, namely, tuna, oysters, shrimp; [ prepared salads, namely, potato salad, ham salad, chicken salad; ] cooking and salad oils, namely, canola oil, corn oil, [ cottonseed oil ] , peanut oil, vegetable oil, sunflower oil, [ coconut oil] ; cooking spray, flaked coconut, processed edible seeds, dried fruits, processed nuts, fruit-based snack foods, yogurt covered raisins, maraschino cherries, whipped topping mix, fruit-based pie fillings, applesauce, fruit-based spreads, jams, canned chicken, condensed milk, non-dairy creamer, processed peppers and olives, [ pickled okra ], baked beans, pork and beans, potato mixes, bacon flavor bits, shoestring potatoes, shelled nuts, slivered nuts, bouillon, frozen poultry, [ egg substitutes ], cheese toppings, snack food dips, cheese food, yogurt, vegetable-based spreads, sour cream, trail mix consisting primarily of processed nuts, raisins, and processed seeds, refried beans, frozen entrees consisting primarily of meat, fish, poultry or vegetables, frozen onion rings, sandwich spread, namely, a mayonnaise substitute [ , dry packaged meals consisting primarily of vegetables ]</p> <p>Class 030. First use: First Use: 1995/08/31 First Use In Commerce: 1995/08/31</p> <p>baking products, namely, mixes for bakery goods, confectionery chips for baking, pie crust shells, vanilla, baking powder, baking soda, frostings, marshmallow creme; corn-based snack foods, namely, [ popcorn cakes] , tortilla chips, corn chips, cheese curls, nacho cheese chips, syrups, namely, chocolate syrup, corn syrup, maple syrup, pancake syrup; snack foods, namely, candy, yogurt covered pretzels, [ peanut brittle, snack cakes, ] bread sticks, salsa, [ rice cakes] , cereal-derived food bars; sauces, namely, seafood cocktail sauce, [tartar sauce] , picante sauce, taco sauce, cheese sauce, sloppy joe sauce, spaghetti sauce, pizza sauce, pasta sauces, barbecue sauce, hot sauce, steak sauce, worchester sauce, soy sauce, teriyaki sauce; dessert food, namely, [ pies, ] pudding mixes, flavored gelatin mixes, dessert toppings, namely, chocolate toppings, [ butterscotch toppings, caramel toppings], ice cream cones; breakfast foods, namely, waffles, pancakes, bagels, oatmeal, hot cereals, toaster pastries; frozen foods, namely, frozen entrees consisting primarily of pasta or rice, frozen confections, [ pot pies, ] croutons, stuffing, gravy, gravy mixes, spaghetti sauce mix, seasoning mixes, seasoned coating for meat and poultry, bread crumbs, stuffing mixes containing bread, biscuits, seasoning blend contained in a roasting bag, pasta, canned pasta with sauce, dry packaged meals consisting primarily of pasta or rice, [ chow mein noodles], rice mixes, [ tamales], taco shells, [ tostada shells, tortilla mix, ] honey, marshmallows, cocoa</p> <p>Class 031. First use: First Use: 1988/12/31 First Use In Commerce: 1988/12/31</p>
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	<p>dog food, cat food, cat litter, wild bird seed, pet snacks</p> <p>Class 032. First use: First Use: 1995/04/18 First Use In Commerce: 1995/04/18 breakfast fruit-drink mixes, [ fruit nectars, ] non-alcoholic ciders, fruit drinks, carbonated soft drinks, low calorie soft drinks, soft drink mixes, bottled drinking water, sports drinks, [ beer ]</p> <p>Class 034. First use: First Use: 1995/01/31 First Use In Commerce: 1995/01/31 cigarettes, cigarette lighters not of precious metals</p>
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U.S. Registration No.	1928809	Application Date	09/03/1991
Registration Date	10/24/1995	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 bouillon cubes, canned salmon, canned tuna, chicken salad, chopped ham salad, coffee creamers, cream cheese, frozen chicken, frozen coffee creamers, hominy, jalapeno spread, lebanon bologna, pickled peppers/onions, pork sausage, potato salad, refrigerated spreads, including cheese-based spreads, fruit-based spreads,[ meat-based spreads ]and vegetable-based spreads, strawberry gelatin, vegetable based food dips</p>		

U.S. Registration No.	1916702	Application Date	07/21/1994
Registration Date	09/05/1995	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 032. First use: First Use: 1988/10/26 First Use In Commerce: 1988/10/26 unflavored bottled water</p>		

U.S. Registration No.	1847799	Application Date	09/03/1991
Registration Date	08/02/1994	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 030. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 barbecue sauce, bread crumbs, brownie mix, flavoring syrups including cocoa and milk modifiers, corn syrup, english muffins, frozen pasta combinations, frozen pastry shells, meat sauces, seasoned coatings for meat, fish and poultry, refrigerated biscuits, rolls, seafood cocktail sauce, sloppy joe sauce, stuffing mixes containing bread and toaster pastries</p>		


U.S. Registration	1820916	Application Date	09/03/1991
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No.			
Registration Date	02/15/1994	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 1988/03/30 First Use In Commerce: 1988/03/30 premoistened cosmetic towelettes, pine disinfectant all-purpose cleaning preparations, scouring all-purpose cleaning preparations</p> <p>Class 011. First use: First Use: 1988/10/30 First Use In Commerce: 1988/10/30 electric light bulbs</p> <p>Class 016. First use: First Use: 1988/08/30 First Use In Commerce: 1988/08/30 paper filters for coffee makers, disposable diapers and paper bags</p> <p>Class 021. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 cups, cleaning pads, paper and plastic plates</p>		

U.S. Registration No.	1702791	Application Date	09/09/1991
Registration Date	07/28/1992	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 1988/07/03 First Use In Commerce: 1988/07/03 air fresheners and rug deodorizers, antacids, cold tablets, cotton puffs and cotton swabs for medical purposes, decongestant tablets, epsom salt, hydrogen peroxide, ibuprofen, non-aspirin pain relievers, isopropyl alcohol, sanitary napkins and witch hazel</p>		

U.S. Registration No.	1691599	Application Date	02/19/1991
Registration Date	06/09/1992	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 021. First use: First Use: 1989/02/07 First Use In Commerce: 1989/02/07 rubber household gloves</p>		

U.S. Registration No.	1683923	Application Date	02/19/1991
Registration Date	04/21/1992	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 031. First use: First Use: 1977/08/31 First Use In Commerce: 1977/08/31 pet food		
U.S. Registration No.	1134376	Application Date	09/10/1976
Registration Date	05/06/1980	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 1975/08/00 First Use In Commerce: 1975/08/00 SUGAR SUBSTITUTE</p> <p>Class 002. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [FOOD COLORING]</p> <p>Class 003. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [ AFTER SHAVE LOTION, ] HOUSEHOLD AMMONIA, [ BABY OIL, BABY POWDER, BATH OIL, ] HOUSEHOLD BLEACH, [ CREAM RINSE, ] FABRIC SOFTENER, [ HAND LOTION; ] LIQUID AND DRY DETERGENTS, PRINCIPALLY FOR HOUSEHOLD USE; MOUTHWASH, NAIL POLISH REMOVER, WINDOW CLEANERS, HAIR SHAMPOO, SKIN CARE LOTION, [ SPRAY STARCH, TOOTHPASTE ]</p> <p>Class 004. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 CHARCOAL BRIQUETS, CHARCOAL LIGHTER FLUID</p> <p>Class 005. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [ ASPIRIN, ] DISINFECTANT SPRAY [, PETROLEUM JELLY, VITAMINS, VITAMIN AND MINERAL COMBINATION ]</p> <p>Class 006. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 ALUMINUM FOIL</p> <p>Class 016. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 PAPER NAPKINS, TOILET PAPER, PLASTIC WRAP, FACIAL TISSUES, PAPER TOWELS</p> <p>Class 021. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 NON-WOVEN CLEANING CLOTHS, SPONGES [, TOOTHBRUSHES ]</p> <p>Class 022. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 PLASTIC GARBAGE BAGS, PLASTIC SANDWICH BAGS, PLASTIC STORAGE BAGS, PLASTIC TRASH CAN LINERS, PLASTIC WASTE BASKET LINERS</p> <p>Class 029. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 BACON, BEEF STEW, BUTTER, CANNED FRUITS, AND VEGETABLES, CHILI, CANNED SOUPS, CORN OIL, COTTAGE CHEESE, DRIED BEANS,</p>		



	<p>DRIED MILK, DRIED PEAS, WHOLE [AND SPLIT DRIED] EGGS, EVAPORATED MILK, FLUID MILK, FRANKFURTERS, FROZEN FRUITS AND VEGETABLES, FROZEN FISH, GRATED CHEESE, HAM, INSTANT MASHED POTATO FLAKES, HASH, INSTANT MILK, INSTANT SOUP MIXES, JELLIES, LUNCHEON MEATS, MARGARINE, MAYONNAISE, OLIVE OIL, PACKAGED CHEESE, PEANUT BUTTER, PICKLES, PIMENTO, POTATO CHIPS, POTTED MEAT, PRESERVES, ROASTED NUTS, SALAD DRESSING, SALMON, SANDWICH SPREAD, SAUSAGES, SHORTENING, TUNA, TURKEYS, VEGETABLE OIL, TOMATO PUREE, TOMATO PASTE, DAIRY AND NONDAIRY BASED WHIPPED TOPPINGS</p> <p>Class 030. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 BREAD, BROWN and SERVE ROLLS, BISCUIT MIX, CANDIED CAKE DECORATIONS, CAKE MIXES, COFFEE; CONFECTIONS-NAMELY, HARD CANDY, CHOCOLATE BITS AND JELLIES; COOKIES, CORNBREAD, CORN MEAL, CORNMUFFIN MIX, CRACKERS, CATSUP, CHILI SAUCE, DONUTS, DRIED BARLEY, ENGLISH MUFFINS, FLAVORING EXTRACTS, FLOUR, FROSTING MIX, FROZEN PIZZA, HAMBURGER AND HOT DOG ROLLS, ICE CREAM, ICE MILK, INSTANT MILK, INSTANT COFFEE, MUSTARD, PANCAKE MIX, PASTA PIE CRUST MIX, [POPPED POPCORN,] PRETZELS, PUFFED WHEAT CEREAL, RICE, SALT, SHERBERT, SUGAR, SPICES, TABLE SYRUP, RELISH, MACARONI AND CHEESE DINNER, A MIX COMPOSED PRIMARILY OF SEASONINGS, SPICES, AND DICED POTATO OR PASTA TO BE COMBINED WITH MEAT TO MAKE A DINNER ENTREE, TEA, TOMATO SAUCE, VINEGAR, PUFFED RICE CEREAL, [CELERY SEED, WHOLE ALLSPICE]</p> <p>Class 031. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 UNPOPPED POPCORN</p> <p>Class 032. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 SOFT DRINKS, FRUIT AND VEGETABLE JUICES, [NON-ALCOHOLIC COCKTAIL MIXES,] FROZEN FRUIT JUICE CONCENTRATES</p> <p>Class 034. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 MATCHES</p>
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U.S. Registration No.	807575	Application Date	03/12/1963
Registration Date	04/26/1966	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class U046 (International Class 029, 030). First use: First Use: 1932/00/00 First Use In Commerce: 1932/00/00</p> <p>CANNED AND FROZEN VEGETABLES, CANNED AND FROZEN FRUITS,</p>		


	CANNED AND FROZEN FRUIT JUICES, CANNED VEGETABLE JUICES, SAUERKRAUT, FRUIT JELLIES, JAM AND PRESERVES, APPLE BUTTER, HONEY, PEANUT BUTTER, ((TOMATO PRESERVES)), SALAD, FRENCH AND THOUSAND ISLAND DRESSING, TARTAR SAUCE, MAYONNAISE, SANDWICH SPREAD, CANE AND MAPLE SYRUP, PORK AND BEANS, CHILI, CHILI CON CARNE, BEEF STEW, SLICED DRIED BEEF, LUNCHEON MEAT, CORNED BEEF HASH, POTTED MEAT FOOD PRODUCT, VIENNA SAUSAGE, EVAPORATED MILK, MUSHROOMS, MUSTARD, OLIVES, SWEET, SOUR, DILL AND MIXED PICKLES, CANNED AND FROZEN POTATOES, POPPING CORN, VEGETABLE SHORTENING, SALT, PEPPER, CANNED SALMON, CANNED TUNA, VINEGAR, EDIBLE OLIVE OIL, COFFEE, TEA, FLOUR, CORN MEAL, PIE CRUST MIX, SPAGHETTI, MACARONI, NOODLES, CANNED PUMPKIN, ((MINCE MEAT, RICE, AND MARSHMALLOWS))
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U.S. Registration No.	3543584	Application Date	05/13/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/06/00 First Use In Commerce: 1996/06/00 retail pharmacy services		

U.S. Registration No.	1965622	Application Date	05/10/1995
Registration Date	04/02/1996	Foreign Priority Date	NONE
Word Mark	SHUR FINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1937/01/00 First Use In Commerce: 1937/01/00 retail grocery store services; whole sale distributorship featuring groceries		


U.S. Registration No.	770099	Application Date	11/27/1961
Registration Date	05/19/1964	Foreign Priority Date	NONE
Word Mark	SHUR-VALU		

Design Mark	
Description of Mark	NONE
Goods/Services	Class U101 (International Class 035). First use: First Use: 1961/11/22 First Use In Commerce: 1961/11/22 Retail Grocery Store Services


U.S. Registration No.	3557470	Application Date	06/27/2008
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2007/06/00 First Use In Commerce: 2007/06/00 fruit juice; fruit drinks; and fruit-flavored drinks		

U.S. Registration No.	3543546	Application Date	04/29/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2006/01/00 First Use In Commerce: 2006/01/00 bread; rolls; biscuits; cookie dough; pie crust; cinnamon rolls; ice cream; frozen confections, namely, freezer pops; tortillas; candy; pretzels; cheese flavored puffed corn snacks; corn chips; snack mix consisting primarily of crackers, pretzels, candied nuts and/or popped popcorn; and popcorn		


U.S. Registration No.	3543544	Application Date	04/29/2008
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2007/08/00 First Use In Commerce: 2007/08/00 whipped cream; butter; butter substitutes; vegetable-based spreads; margarine; margarine substitutes; milk; buttermilk; cream; half and half; non-dairy creamer; sour cream; cheese; cheese spreads; cheese substitutes; cottage cheese; cream cheese; yogurt; drinking yogurts; dairy-based dips; potato chips; potato sticks; poultry; chicken; turkey; pork; bacon; meat; preserved meats and sausages; processed meat; beef; beef patties; hot dogs; corn dogs; ham; bologna; salami; pastrami; sausages; luncheon meats; and imitation crabmeat		


U.S. Registration No.	2276332	Application Date	11/20/1996
Registration Date	09/07/1999	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1992/06/01 First Use In Commerce: 1992/06/01 eggs, milk, buttermilk, half and half milk and cream mixture, American cheese food, sour cream, whipping cream, ricotta cheese, yogurt, margarine, butter, vegetable based spreads, pimento cheese spread, cream cheese, cheese, cottage cheese, potato chips, fresh and processed meats, bacon, turkey, beef, pork sausage, sausage, salami, pastrami, [ turkey bologna, ] cheese loaf, hot dogs, beef frank, bologna, beef bologna, pork, luncheon loaf, spiced luncheon loaf, corned beef, ham, turkey ham, chicken and chicken parts, pickle loaf,		

	<p>vegetable based dips, vegetable oil, corn oil margarine, shoestring potatoes, corn dog, party wings, hot and spicy wings, beef tenderloin, bratwurst, imitation crabmeat, [ potato salad, ] cole slaw, [ baked and BBQ beans, chicken salad, tuna salad, chicken wing drummette, ] chicken breast tenders, [ carrot and raisin salad, ] and frozen fruit</p> <p>Class 030. First use: First Use: 1992/06/01 First Use In Commerce: 1992/06/01 bread, buns, biscuits, [ sausage and biscuit sandwiches, ] cake, rolls, doughnuts, muffins, [ danish pastries, ] sweet yeast, cheese curls, cheese puffs; bread sticks, sundae cone, ice, frozen yogurt, ice cream, ice cream bars, sherbert and frozen confections, [ strawberry parfait, ] fudge bar, tortilla, corn and tostada chips, pie crust, [ pizza crust, ] cookies, pretzels, [ chocolate pretzels, ] cheddar cheese and [ caramel popcorn, ] flour tortillas, corn tortillas, bread [ and cornbread sticks, macaroni salad, ] popped popcorn, peanut brittle, candy, coconut brittle [, and strawberry fruit gelatin ]</p> <p>Class 031. First use: First Use: 1991/07/17 First Use In Commerce: 1991/07/17 raw potatoes, fresh tomatoes, fresh lettuce, fresh broccoli, fresh celery, fresh cauliflower, fresh carrots, fresh apples, fresh grapes, fresh oranges, fresh onions, and raw plain popcorn</p> <p>Class 032. First use: First Use: 1992/06/01 First Use In Commerce: 1992/06/01 orange juice and citrus punch</p>
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U.S. Registration No.	1286296	Application Date	06/06/1983
Registration Date	07/17/1984	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 1983/02/09 First Use In Commerce: 1983/02/09 Fresh Vegetables		

U.S. Registration No.	1152556	Application Date	06/13/1978
Registration Date	04/28/1981	Foreign Priority Date	NONE
Word Mark	SHURFRESH		


Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 029. First use: First Use: 1963/07/00 First Use In Commerce: 1963/07/00  Dairy Products-Namely, Butter, Buttermilk, Cheese, Cheese Food, Cheese Spread, Cottage Cheese, Cream Cheese,[Egg Nog,] Fresh Eggs, Fresh Milk, Fresh Cream, Half and Half, Margarine, Sour Cream, Yogurt, Whipping Cream;  Meat Products-Namely, Bacon, Frankfurters, Hams, Luncheon Meat, Whole Frozen Turkeys, Pork Sausage, Wafer Thin Sliced Meats, Wafer Thin Sliced Poultry, Pork Chops, Potato Chips; Prepared Salads-Namely; Jalapeno Spread, Chicken Salad, Chopped Ham Salad, [Fruit Cocktail,] Potato Salad, Pimiento Spread</p> <p>Class 030. First use: First Use: 1963/07/00 First Use In Commerce: 1963/07/00  Bakery Products-Namely, Refrigerated Ready-to-Bake Biscuits, Bread, Brown and Serve Rolls, Buns, Cookies, [Crackers,] Donuts, Pretzels, Pretzel Thins, Pretzel Sticks, Sweet Rolls, Candy; Frozen Confections-Namely, Chocolate Fudge Bars, Ice Cream, Ice Cream Sandwiches, Ice Milk, Ice Milk Bars, Mellorine, Sherbert, Frozen Confections on a Stick, Snack Foods-Namely, Chips, Flavored Vegetable and Dairy-Based Snack Dips, Cheese Flavored Puffed Corn Snacks</p> <p>Class 032. First use: First Use: 1971/10/00 First Use In Commerce: 1971/10/00  Fruit Juices-Namely, Grapefruit Juice, Orange Juice</p>

U.S. Registration No.	786505	Application Date	11/12/1963
Registration Date	03/09/1965	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 001, 005, 029, 030, 031, 032). First use: First Use: 1963/07/00 First Use In Commerce: 1963/07/00 MILK, CREAM, CHEESE, ICE CREAM, OLEOMARGARINE, CHEESE		

	SPREAD,[ DRY MILK POWDER,] REFRIGERATED READY TO BAKE BISCUITS, [ SALAD OIL, CRACKERS, ] COOKIES, AND CANDY		
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U.S. Registration No.	686418	Application Date	08/21/1958
Registration Date	10/06/1959	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 001, 005, 029, 030, 031, 032). First use: First Use: 1950/10/09 First Use In Commerce: 1950/12/00 MILK, CREAM, CHEESE, ICE CREAM, OLEOMARGARINE, CHEESE SPREAD, [ DRY MILK POWDER, ] REFRIGERATED READY TO BAKE BISCUITS [ AND SALAD OIL ]		

U.S. Registration No.	663880	Application Date	01/18/1957
Registration Date	07/01/1958	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 029, 030). First use: First Use: 1950/10/09 First Use In Commerce: 1950/00/00 MILK, CREAM, CHEESE, ICE CREAM, OLEOMARGARINE, CHEESE SPREAD [ , AND DRY MILK POWDER ]		

U.S. Registration No.	3053496	Application Date	07/14/2004
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	SHURFRESH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1997/03/01 First Use In Commerce: 1997/03/01 sandwiches Class 043. First use: First Use: 1997/03/01 First Use In Commerce: 1997/03/01		

	food services, namely, restaurant services featuring sandwiches		
U.S. Registration No.	1737906	Application Date	08/26/1991
Registration Date	12/08/1992	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1988/03/30 First Use In Commerce: 1988/03/30 [ all-purpose pine oil cleaner ] Class 004. First use: First Use: 1988/08/30 First Use In Commerce: 1988/08/30 [ motor oil ] Class 006. First use: First Use: 1988/01/30 First Use In Commerce: 1988/01/30 aluminum foil Class 016. First use: First Use: 1987/01/30 First Use In Commerce: 1987/01/30 paper coffee filters, plastic wrap, polyethelene wrapping film not for industrial use, [ disposable diapers ] and toilet paper Class 021. First use: First Use: 1987/05/30 First Use In Commerce: 1987/05/30 paper and plastic plates		

U.S. Registration No.	1722210	Application Date	08/27/1991
Registration Date	10/06/1992	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1988/01/30 First Use In Commerce: 1988/01/30 lunch meats, [ frankfurters, shelled nuts, nacho chips, ] potato chips, [ dehydrated soup mixes, ramen soup and noodles, ] evaporated/condensed milk, green olives and maraschino cherries, cooking and salad oils, solid shortening, pan coatings, peanut butter [ and raisins ]		


  

U.S. Registration No.	1711996	Application Date	08/26/1991
Registration Date	09/01/1992	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1987/01/30 First Use In Commerce: 1987/01/30 [seasoning and sauce mixes], barbecue sauce, s[paghetti sauce, muffin, bread		





	and roll mixes, pancake mixes], cookies, crackers, dessert and ice cream toppings, dried rice, dry gravy, flour, honey, maple syrup, mustard, pasta, pie fillings,[ baking powder and soda], sugar and vinegar
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U.S. Registration No.	1703595	Application Date	08/26/1991
Registration Date	07/28/1992	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1988/01/30 First Use In Commerce: 1988/01/30 regular and diet soft drinks and powdered soft drink mixes		

U.S. Registration No.	1445491	Application Date	08/04/1986
Registration Date	06/30/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1982/10/00 First Use In Commerce: 1982/10/00 FRUIT JUICES, FROZEN CONCENTRATED FRUIT JUICES, AND TOMATO JUICE		

U.S. Registration No.	1435870	Application Date	08/04/1986
Registration Date	04/07/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 1982/10/00 First Use In Commerce: 1982/10/00 CANNED DOG FOOD, [CANNED CAT FOOD, ] AND CAT LITTER

U.S. Registration No.	1435869	Application Date	08/04/1986
Registration Date	04/07/1987	Foreign Priority Date	NONE
Word Mark	SHUR SAVING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1982/09/00 First Use In Commerce: 1982/09/00 [ ALIMENTARY PASTES, CAKE MIXES, FROSTING MIXES, BROWNIE MIX, ] MACARONI AND CHEESE DINNER, COFFEE, TEA, SPICES, [ CATSUP, FROZEN TURKEY AND BEEF POT PIES, ] INSTANT CHOCOLATE MIX, HOT COCOA MIX, CHOCOLATE FLAVORED DRINK MIX, BREAKFAST CEREALS, CHOCOLATE CHIPS, [ MARSHMALLOWS, ] AND ICE CREAM		

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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Delfina S. Homen/
Name	Delfina S. Homen
Date	11/14/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 85/533,295  
Filed: February 3, 2012  
For the mark SURE COTE  
Class: 001

SHURFINE FOODS, INC.,	)	
	)	Opposition No. _____
Opposer,	)	
	)	
v.	)	
	)	
D-MAND BETTER PRODUCTS, LLC,	)	
	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

1. SHURFINE FOODS, INC., an Illinois corporation having its principal place of business at 6700 S.W. Sandburg Street, Tigard, Oregon 97223 (“Opposer”), believes that it is damaged by registration of the mark SURE COTE that is the subject of U.S. Trademark Application Serial No. 85/533,295 (“’295 application”) for chemical preparations to prevent mildew by D-MAND BETTER PRODUCTS, LLC, a Georgia limited liability corporation having an address at 4920 Atlanta Highway, Suite 106, Alpharetta, Georgia 30004 (“Applicant”). The ’295 application was filed February 3, 2012. Opposer opposes registration of the ’295 application.

As first grounds for opposition, Opposer alleges as follows:

2. Opposer owns numerous registrations for SHUR- prefix marks, i.e., U.S. Registration Nos. 3,561,021, 3,557,469, 3,557,361, 3,557,360, 3,557,359, 3,557,358, 3,557,357, 3,557,355, 3,546,829, 3,543,605, 3,543,604, 3,543,603, 3,543,602, 3,543,601, 3,543,600, 2,710,943; 2,506,497; 2,425,809; 2,285,574; 2,170,823; 1,928,809; 1,916,702; 1,847,799; 1,820,916; 1,702,791; 1,691,599; 1,683,923; 1,134,376; and 807,575 for the marks SHUR FINE and SHURFINE as service marks and trademarks for a variety of grocery and household

products; U.S. Registration No. 3,543,584 for the mark SHURFINE for retail pharmacy services; U.S. Registration No. 1,965,622 for the mark SHUR FINE for retail grocery store services; U.S. Registration No. 770,099 for the mark SHUR VALU for retail grocery services; U.S. Registration Nos. 3,557,470, 3,543,546, 3,543,544, 2,276,332; 1,286,296; 1,152,556; 786,505; 686,418; and 663,880 for the mark SHURFRESH for a variety of grocery products; U.S. Registration No. 3,053,496 for the mark SHURFRESH for sandwiches and food services, namely, restaurant services featuring sandwiches; U.S. Registration Nos. 1,737,906; 1,722,210; 1,711,996; 1,703,595; 1,445,491; 1,435,870; 1,435,869; 1,435,858; 1,435,514; 1,431,181; 1,430,811; and 1,237,527 for the mark SHUR SAVING for grocery and household products; U.S. Registration No. 2,314,177 for the mark SHURSAVE for retail grocery store services; U.S. Registration No. 2,506,498 for SHUR FINE CAFÉ for food services, namely, home meal replacement services consisting of the preparation and service of carryout, home-style meals; U.S. Registration No. 2,775,641 for the mark SURECOMFORT for adult incontinence products, namely, diapers and incontinence garments; and U.S. Registration No. 2,946,338; 2,926,511; and 2,921,034 for the marks SHUR FINE COMMITTED TO QUALITY and SHURFINE COMMITTED TO QUALITY for a variety of grocery and household products; and U.S. Registration No. 3,490,340 for the mark SHURFRESH COMMITTED TO QUALITY for a variety of grocery products.

3. Applicant's mark SURE COTE so resembles Opposer's registered SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHUR FINE CAFÉ, SURE COMFORT, SHUR FINE COMMITTED TO QUALITY, SHURFINE COMMITTED TO QUALITY, and SHURFRESH COMMITTED TO QUALITY marks as to be likely, when used on or in connection with the goods or services of the Applicant, to cause confusion, mistake or deception.

As second, alternative, grounds for opposition, Opposer alleges as follows:

4. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the marks SHUR FINE and SHURFINE as service marks, collective marks, and trademarks for a variety of grocery and household products sold in grocery, convenience, and drug stores.

5. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHUR VALU for retail grocery store services.

6. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHURFRESH for grocery and household products sold in grocery, convenience, and drug stores.

7. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHURSAVE for retail grocery store services.

8. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHUR SAVING for grocery and household products sold in grocery, convenience, and drug stores.

9. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHUR FINE CAFÉ for restaurants, food services, namely home meal replacement services consisting of the preparation and service of carryout, home-style meals sold in grocery, convenience, and drug stores.

10. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SURECOMFORT for adult incontinence products, namely, diapers and incontinence garments.

11. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the marks SHUR FINE COMMITTED TO QUALITY and SHURFINE COMMITTED TO QUALITY for a variety of grocery and household items.

12. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and not abandoned the mark SHURFRESH COMMITTED TO QUALITY for a variety of grocery items.

13. Applicant's mark SURE COTE so resembles Opposer's previously used marks SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHUR FINE CAFÉ, SURE COMFORT, SHUR FINE COMMITTED TO QUALITY, SHURFINE COMMITTED TO QUALITY, and SHURFRESH COMMITTED TO QUALITY as to be likely, when used on or in connection with the goods or services of the Applicant, to cause confusion, mistake or deception.

As third, alternative, grounds for opposition, Opposer alleges as follows:

14. Opposer is the owner of a family of SHUR- prefixes marks including SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHUR FINE CAFÉ, SURE COMFORT, SHUR FINE COMMITTED TO QUALITY, SHURFINE COMMITTED TO QUALITY, and SHURFRESH COMMITTED TO QUALITY.

15. Opposer, since prior to Applicant's filing date or any date of first use upon which Applicant can rely, has used and promoted its marks SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHUR FINE CAFÉ, SURE COMFORT, SHUR FINE COMMITTED TO QUALITY, SHURFINE COMMITTED TO QUALITY, and SHURFRESH COMMITTED TO QUALITY as a family of marks.

16. Applicant's mark SURE COTE is so similar to Opposer's family of marks that, when used on or in connection with the goods or services of the Applicant, is likely to be perceived as another member of Opposer's family of marks, and is likely to cause confusion, mistake or deception.

As fourth, alternative, grounds for opposition, Opposer alleges as follows:

17. Opposer's marks SHUR FINE, SHURFINE, SHUR VALU, SHURFRESH, SHURSAVE, SHUR SAVING, SHUR FINE CAFÉ, SURE COMFORT, SHUR FINE COMMITTED TO QUALITY, SHURFINE COMMITTED TO QUALITY, and SHURFRESH COMMITTED TO QUALITY prior to Applicant's filing date or any date of first use upon which Applicant can rely, have become distinctive and famous within the meaning of Section 43(c) of the Lanham Act [15 U.S.C. Section 1125(c)].

18. Applicant's use and registration of the mark SURE COTE will cause dilution of the distinctive quality of Opposer's marks.

As fifth, alternative, grounds for opposition, Opposer alleges as follows:

19. Applicant's mark SURE COTE when used on or in connection with the goods of the Applicant is merely descriptive.

Opposer prays that this opposition is sustained and that registration to the Applicant is refused.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

/s/ Delfina S. Homen  
Delfina S. Homen  
Registration No. 67,739  
Attorney for Opposer

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant on November 14, 2012, by forwarding said copy via first class mail to Applicant at the following address:

D-Mand Better Products, LLC  
4920 Atlanta Highway, Suite 106  
Alpharetta, Georgia 30004

By: /s/ Delfina S. Homen  
Delfina S. Homen